



**MINUTES of  
LICENSING SUB-COMMITTEE  
11 MARCH 2021**

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**PRESENT**

<b>Purpose of the Hearing:</b>	To consider an application for a Major Variation to a Premises Licence under the provisions of the Licensing Act 2003
<b>Premises:</b>	Crouch Ridge Vineyard, Fambridge Road, Althorne, Maldon, Essex CM3 6BZ
<b>Councillors:</b>	M F L Durham, M W Helm, C Mayes and Mrs J C Stilts
<b>Representing the Licensing Sub-Committee:</b>	Mr Nigel Dermott, Lead Licensing Officer Mr Damien Ghela, Lead Specialist: Community Ms Emma Holmes, Senior Specialist: Legal Ms Berna Casey, Committee Clerk
<b>Applicant:</b>	Mrs Sam Lonergan and representative Mr Ross Lonergan
<b>Interested Party:</b>	Mr S Sowter
<b>Responsible Authorities:</b>	None

**304. TO APPOINT A CHAIRMAN FOR THE HEARING**

The Senior Specialist: Legal opened proceedings and called for nominations to the Chair. Councillor Mrs J C Stilts proposed that Councillor M F L Durham be elected as Chairman, this was duly seconded by Councillor C Mayes.

**RESOLVED** by assent that Councillor M F L Durham be appointed Chairman for the meeting.

IN THE CHAIR: COUNCILLOR M F L DURHAM

**305. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to this remote meeting of the Licensing Sub-Committee, held under new regulations which had come into effect in response to the COVID-19 situation. The Chairman then went through some general housekeeping arrangements for the meeting and asked both Officers and Councillors in attendance to introduce themselves.

A roll call of those Members present was taken.

**306. APOLOGIES FOR ABSENCE**

There were none.

**307. DISCLOSURE OF INTEREST**

Councillor M F L Durham declared a non-pecuniary interest as he was a personal licence holder with Maldon District Council.

**308. LICENSING ACT 2003- APPLICATION FOR A MAJOR VARIATION TO A PREMISES LICENCE - CROUCH RIDGE VINEYARD, FAMBRIDGE RD, ALTHORNE, MALDON, ESSEX CM3 6B2**

The Chairman sought confirmation that all present were in possession of and had read the report of the Director of Service Delivery along with Appendices A to D. He drew the Committee's attention to the Aide Memoire found on page 3 of the meeting pack that outlined the procedure to be followed during the meeting.

He then deferred to the Lead Licensing Officer to present the report. The Lead Licensing Officer took the Committee through the report, the 4 licensing objectives and advised that the options available to the Committee were outlined in paragraph 4.1. He reminded all present that the existing licence was from 10-6pm daily and the change sought was an extension of opening hours to 11pm. He concluded by drawing Members' attention to the content of the appendices and advised that the application accorded with the Licensing Act 2003.

The Chairman then invited the Applicant's representative, Mr Lonergan, to make an opening statement. Mr Lonergan referred to the submitted application and provided the Committee with further details. He advised that he would not be calling any witnesses.

Members of the Committee were given the opportunity to raise a question around temporary licenses and the Applicant responded accordingly. The Chairman advised that there were no responsible authorities present and called on the interested party wishing to speak to address the Committee.

Mr Sowter referring to the licensing objectives raised concerns about the protection of children from harm and prevention of public nuisance. He said that any increase in traffic entering and exiting the parking area would have a detrimental impact on public safety as it was a busy and dangerous stretch of road with poor sightlines when exiting. Furthermore, the increased noise from traffic would impact on children's sleep patterns. He concluded by saying that an extension of opening hours was inappropriate in the locality which was largely residential and that the application be rejected as it did not accord with the licensing objectives.

The Chairman then called on the Applicant's representative Mr Ross Lonergan to make a closing statement. Mr Lonergan said that they wanted to be ambassadors for the area, providing both an enjoyable and educational experience. They wished to build on their good reputation and encourage all groups to visit. All their staff were fully trained, the premises and the grounds maintained, and the barn was insulated with signage outside advising visitors to leave quietly.

In response to questions regarding the type of events held Mr Lonergan said they were largely WI, Rotary Wine Clubs, Wine Tasting and Food Pairing working with local chefs. In terms of music they did not hold discos but had hosted the Choral Society and a band at their annual open day. Both the Lead Licensing Officer and the Lead Specialist: Community confirmed that to date no noise complaints had been received.

At this point a question was raised regarding the impact of Crouch Meadow Memorial Grounds on the business hours. The Applicant advised that all wakes took place in daytime working hours between 10-5pm. Members then raised the issue of lighting around the entrance and the Lead Licensing Officer advised that this was a planning matter and that planning along with traffic and highway matters were not considered relevant under the licensing objectives.

The Chairman, referring to the plan and location, asked who the neighbouring properties belonged to. It was established that the surrounding properties belonged to the Applicant's family and that the nearest resident was on the opposite side of the road. He then invited the interested party, Mr Sowter, to make a closing statement. Mr Sowter said that there had been a number of accidents over the past 24 months and the reason for objecting was due to the negative impact this would have on local residents. He then referenced filming of a reality show.

The Chairman asked the Senior Specialist: Legal to comment. She said that in her opinion all relevant matters had been covered and concurred that other issues raised did not come under the Licensing Act 2003. The Chairman summed up by saying that all statements had been heard and that issues around planning, highways and filming were not matters for consideration under a licensing application.

There being no further questions or statements the Chairman thanked everyone present for their contributions and advised that the meeting would now close. The Committee would then consider the evidence and representations made before reaching its decision. All parties would be notified of the decision within five working days of this hearing.

The Chairman advised that an appeal against the review decision would be heard by the Magistrates' Court.

### **309. POST COMMITTEE DECISION**

The Sub-Committee carefully considered the report of the Director of Service Delivery and its related appendices, along with evidence heard at the meeting from the Applicant and interested parties – Mr Sowter. The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

The Committee may only determine the application based on the four licensing objectives and it was unable to take matters of planning permission being required, traffic and roadside litter into consideration. Decisions under the Licensing Act should not duplicate other statutory provisions and as these areas were covered under other legislation the Sub-Committee had not taken these objections into account.

The Sub-Committee had considered the objections of all 4 residents who raised objections.

A detailed decision letter will be sent to all relevant parties setting out the decision including rights of appeal.

**RESOLVED** that the application for a Major Variation to a Premises Licence at Crouch Ridge Vineyards, Fambridge Road, Althorne, Nr Chelmsford, Essex, CM3 6BZ be **GRANTED** subject to the mandatory and conditions consistent with the Operating Schedule terms and conditions in Annex 1 and Annex 2 of the licence attached to the Committee Report at Appendix D

There being no further items of business the Chairman closed the meeting at 11.14 am.

M F L DURHAM, CC  
CHAIRMAN